

**REMARKS**

Claims 1-19 are pending in this application. Claims 2, 7, 8, and 12 have been withdrawn from consideration as being drawn to a non-elected invention.

Claim 1 has been amended to limit general formulas (I-2) and (I-3). Support for claim 1 as amended appears throughout the specification and claims as originally filed. Please see claim 4 and the Example on page 19.

New claim 18 recites the elected species deemed allowable by the Examiner.

New claim 19 corresponds to claim 11, rewritten in independent form, and indicated allowable by the Examiner. No new matter has been added.

In view of the amended claims, new claims and remarks set forth below, further and favorable consideration, is respectfully requested.

***I. At page 2, item 1, of the Office Action, the Examiner states that claim 2 is not part of the elected species.***

The Examiner states that claim 2 is not part of the elected species because the ring C in the claim is optionally substituted by “a” fluorine atom.

Claim 2 has been amended to replace “a fluorine atom” with “at least one fluorine atom.” Support for this amendment appears throughout the specification and in the Examples.

In view of the amendment to claim 2, it is submitted that claim 2 is part of the elected species.

**II. *At page 2, item 4, of the Office Action, the Examiner indicated that the elected species is allowed over the prior art.***

In view of the foregoing, new independent claim 18 has been added, and is directed to the allowed elected species.

**III. *At page 3, item 6, claims 1, 3, 6, 9, and 13-15, have been rejected under 35 USC § 102(b) as being anticipated by Kossmehl.***

The Examiner states that the reference anticipates the claimed compound because the compounds of 9a-9d in Table 2 on page 42 and the second compound on page 46, read on generic claim 1, i.e., formula I-3, when  $m=n=1$ ,  $I^1=COO$ ,  $I^2=OCO$ , and  $R=Y=alkenyloxy$ .

In view of the following, this rejection is respectfully overcome.

Anticipation under 35 USC § 102(b) requires that a single prior art reference teach each and every element of the claimed invention.

Claim 1 has been amended to limit  $m$ , to  $m=0$  and  $n=0$  or 1. This is different from Kossmehl's structure where  $m=1$  and  $n=1$ .

Present Example 41 is directed to the claimed compound where  $m=0$  and  $n=1$ , and illustrates that there is no variation in  $T_N$  and that superior compatibility with a wide range of liquid crystal materials is provided (See line 10 at page 329 to line 3 on page 330). Claims 2, 7, 8 and 12 are dependent on amended claim 1.

In view of the amendment to claim 1, it is submitted that Kossmehl does not teach each and every element of the claimed invention, as required for anticipation under 35 USC § 102(b). Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**III. At page 3, item 7, of the Office Action, claims 1, 4-6, 9 and 13-17, have been rejected under 35 USC § 102(b) as anticipated by JP 10-236992.**

The Examiner states that the reference anticipates the claimed invention because the compound of structure formula 7 on page 21, anticipates the claimed compound (formula I-2, when Y is pentyl, etc.).

In view of the following, this rejection is respectfully overcome.

Anticipation under 35 USC § 102(b) requires that a single prior art reference teach each and every element of the claimed invention.

Claim 1 has been amended such that in formula I-2, ring B is limited to the expressly recited structures. Claims 4-6, 9 and 13-17 are dependent on amended claim 1.

In view of the amendment to claim 1, it is submitted that JP '992 does not teach each and every element of the claimed invention, as required for anticipation under 35 USC § 102(b). Accordingly, the Examiner is respectfully requested to withdraw this rejection.

**IV. At page 4, item 8, of the Office Action, claims 1, 3, 5-6, 9-10 and 13-15, have been rejected under 35 USC § 102(b) as being anticipated by Sucrow.**

The Examiner states that the reference compound represented by formula (I) of Sucrow, anticipates the claimed compound (formula I-4, when R=alkyl, Y is Cl, H and alkanoyloxy, m=0 and n=0).

In view of the following, this rejection is respectfully traversed.

Anticipation under 35 USC § 102(b) requires that a single prior art reference teach each and every element of the claimed invention.

It is respectfully submitted that formula (I) of Sucrow does not anticipate present claim 1. Specifically, the reference compound represented by formula (I) of Sucrow, is excluded from present claim 1 in condition iii, recited on page 334, lines 23-25. In condition iii, compounds that meet the conditions are excluded. That is, any compound where ring B is represented by formula I-4, m and n represent 0, R represents an alkyl group and Y represents either one of an alkyl group and a cyano group, is excluded from claim 1.

In view of the foregoing, it is submitted that Sucrow does not teach each and every element of the claimed invention, as required for anticipation under 35 USC § 102(b). Accordingly, the Examiner is respectfully requested to withdraw this rejection.

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Response dated March 1, 2004

Reply to OA of **November 28, 2003**

In view of the amendments to the claims, new claims, and remarks set forth above, it is submitted that claims 1, 3-6, 9-11 and 13-19, are in condition for immediate allowance. Early notice to that effect is earnestly solicited.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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